THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE K.C.BHANU

Writ Petition No.20735 of 2006

Between:

1. The Superintending Engineer,
   Irrigation Circle, Kurnool, Kurnool District.
2. The Executive Engineer, I&CAD,
   M.I.Works Division, Nandyal, Kurnool District.

... Petitioners

and

B.Jayaraju, Deputy Executive Engineer (Under Suspension), V.R.S.P. Sub-Division, Atmakur, Kurnool District.

... Respondent

THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE K.C.BHANU

Writ Petition No.20735 of 2006

Oral Order: **(per the Hon'ble Sri Justice D.S.R.Varma)**

Though the matter is listed under the caption 'interlocutory', with the consent of the learned Counsel appearing for both parties, the main writ petition itself is taken up for hearing and being disposed of by this order.

2. Heard the learned Government Pleader for Services II, appearing for petitioners 1 and 2 and Sri J.Janaki Rami Reddy, learned Counsel appearing for respondent.

3. This writ petition is filed seeking a writ of *Certiorari* to quash the orders of the A.P. Administrative Tribunal passed in O.A.No.2076 of 2006, dated 18-4-2006 and V.M.A.No.1078 of 2006, dated 11-8-2006.

4. By the order, dated 11-9-2006, while dismissing V.M.A. No.1078 of 2006 in O.A.No.2076 of 2006, the Tribunal made absolute the interim orders granted earlier on 18-4-2006 in

O.A.No.2076 of 2006 on the ground that the alleged irregularity was not directly connected with the official duties of the respondent herein. In other words, it was outside his official duties. It appears, the averment was that he was involved in an offence punishable under Section 498A, IPC by the wife.

5. Now, it is reported by the learned Counsel appearing for respondent herein that the spouses had settled their dispute outside the Court amicably. The case under Section 498A, IPC is no longer pending.

6. However, having regard to the facts and circumstances, we do not feel it appropriate to continue the writ petition in view of the alleged settlement arrived at between the spouses outside the Court.

7. We are not going into the merits of the case. However, having regard to the fact that the matter has been settled between the spouses outside the Court amicably and that is the only ground for petitioners to keep the respondent under suspension, we feel that they are not justifiable in continuing the respondent under suspension. Accordingly, we find that the Tribunal was in error in passing the impugned orders.

8. In the result, the writ petition is dismissed and the Tribunal is at liberty to dispose of the O.A., on merits. No costs.

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JUSTICE D.S.R.VARMA

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JUSTICE K.C.BHANU

03rd December, 2007.
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THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
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Writ Petition No.20735 of 2006
(Order of the Division Bench
delivered by DSRV, J.)

03rd December, 2007.